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February 12, 2024

Via ECF

Hon. Michael E. Farbiarz, U.S.D.J.
MLK Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07101

Re: Curtis Stabile v. Macy's, Inc. et al.
Civil Action No: 2:22-cv-06776-MEF-ESK
Local Civil Rule 7.1(d)(5)

Dear Judge Farbiarz:

I am co-counsel with Leslie A. Farber, Esq. for the Plaintiff Curtis Stabile in the above-referenced action.

We write, with the consent, and at the request, of Steven Gerber, Esq., counsel for the defendants, with regard to the parties' briefing schedule on the defendants' pending second Motion to Dismiss the Complaint and Compel Arbitration.

On November 26, 2023 [ECF 27], Your Honor granted Defendants leave to file a second Motion to Dismiss and Compel Arbitration and set the following briefing schedule with respect to same:

Defendants' motion to be filed by January 12, 2024
Plaintiff's opposition to be filed by February 5, 2024
Defendants' reply to be filed by February 19, 2024.

On January 26, 2024, Plaintiff sought an extension of time to file his opposition to the motion pursuant to Local Rule 7.1. [ECF 29]. Accordingly, on January 30, 2024, the Court rescheduled the return date of the Motion for March 4, 2024. In light of same, Plaintiff's opposition is due on or before February 19, 2024, and Defendants' reply is due on or before February 26, 2024.

On January 30, 2024, defense counsel's office contacted the undersigned and asked when Plaintiff would be filing his Motion opposition because they had been afforded two (2) weeks to file their reply under the initial briefing schedule, rather than the one (1) week they were afforded following Plaintiff's Rule 7.1 extension request. As a courtesy to defendants, the undersigned stated that Plaintiff would file his opposition by February 12, 2024 so that Defendants would still have two (2) weeks to file their reply.

On February 11, 2024, my co-counsel Ms. Farber, emailed defendants' counsel and asked if defendants would consent to a one (1) day extension for Plaintiff to file his opposition on February 13, 2024 and that, if necessary, Plaintiff would consent to a corresponding one (1) day extension for Defendants to file their reply. This morning, defense counsel advised that defendants

would consent to Plaintiff's extension request if we sought leave of this Court to grant Plaintiff's 1 day extension request and provide Defendants with a corresponding extension.

Accordingly, as requested by defense counsel, we respectfully submit the parties' one-day extension requests for Your Honor's consideration.

Thank you in advance for your courtesies and considerations.

Respectfully Submitted,

/s/ Rachel B. Drake

Rachel B. Drake, Esq.

Attorney ID: 018882006

cc: Leslie A. Farber, Esq. (via ECF)
Steven Gerber, Esq. (via ECF)